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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/650,114
Filing Date	August 26, 2003
First Named Inventor	Erkki Heinonen
Art Unit	3743
Examiner Name	Andrea M. Ragonese
Total Number of Pages in This Submission	5+
Attorney Docket Number	2532-00323

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Andrus, Sceales, Starke & Sawall, LLP		
Signature			
Printed name	Daniel D. Fetterley		
Date	05/13/2005	Reg. No.	20,323

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/650,114
Applicant : Erkki Heinonen
Filed : August 26, 2003
Title : Method for Indicating the Amount of Ventilation Inhomogeneity in the Lung

TC/A.U. : 3743
Examiner : Andrea M. Ragonese

Docket No. : 2532-00323

REQUEST FOR RECONSIDERATION OF REJECTION
AND ARGUMENT FOR ALLOWANCE

Milwaukee, Wisconsin 53202
May 13, 2005

Commissioner for Patents
Mail Stop - Amendment - Fee
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action

In the Office Action of December 13, 2004, claims 1-7 of the present application were rejected under 35 U.S.C. §102 on the inventor's earlier work set out in U.S. Patent 6,139,506.

Reconsideration and withdrawal of this rejection is respectfully requested in view of the following argument for allowance pointing out the differences between the method claimed in the present application and that forming the subject matter of the inventor's earlier U.S. Patent 6,139,506.

The Present Invention

As a preliminary matter, the following should be kept in mind. The Office Action notes in several instances that the Heinonen '506 patent shows apparatus "capable of performing a method...."

It is recognized that both the present application, and the '506 patent show ventilator apparatus capable of carrying out a pulmonary measurement. It is for this reason